



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

FEB 21 2006

Ref: ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Johnson County Commissioners
James Mader, Chair
76 North Main
Buffalo, WY 82834

Re: Notice of Safe Drinking Water Act
Enforcement Action against City of Buffalo
PWS ID# WY5600005

Dear Mr. Mader:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order to a public water system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an administrative compliance order to a public water system in your county.

An Administrative Order is being issued under Section 1414 of the SDWA to City of Buffalo, Wyoming. This Order requires that the City of Buffalo's public water system (the "System") take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The System is in violation of the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.64 for exceeding the maximum contaminant level for haloacetic acids (HAA5).



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A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Judith Binegar-Wilson of my staff at (303) 312-6606.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane L. Sipe".

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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FEB 21 2006

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Bruce Hepp, Mayor
City of Buffalo
46 North Main
Buffalo, WY 82834

Re: Administrative Order
Docket No. **SDWA-08-2006-0015**
PWS ID# WY5600005

Dear Mayor Hepp:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that the City of Buffalo is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. § 141.64 for exceeding the maximum contaminant level for haloacetic acids (HAA5).

Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 20 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Judith Binegar-Wilson at the address on the letterhead and include the mail code 8ENF-W, or call (800) 227-8917, extension 6606 or (303) 312-6606. If you wish to have an informal conference with EPA, you may also call or write Ms. Binegar-Wilson. If the City is represented by an attorney, please feel free to ask the attorney to call Peggy Livingston, enforcement attorney, at the above 800 number, extension 6858, or at (303) 312- 6858.

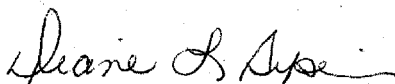


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Also, please be advised that any modification to a public water system may require a permit from the Wyoming Department of Environmental Quality (WYDEQ) before making any improvements; please contact the local office of the WYDEQ.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: WY DEQ (via e-mail)
WY DOH (via e-mail)

Burt Allgood, Chief Operator
Buffalo Water Treatment Plant
8875 U.S. Highway 16 West
Buffalo, WY 82834

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2006 FEB 21 PM 2:40

IN THE MATTER OF)

City of Buffalo)
Buffalo, Wyoming)

Respondent)

Proceedings under Section 1414(g)
of the Safe Drinking Water Act,
42 U.S.C. § 300g-3(g))

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

Docket No. SDWA-08-2006-0015

The following Findings are made and Order is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1414(g) of the Safe Drinking Water Act ("the Act"), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. The City of Buffalo (Respondent) is a municipality as defined in Section 1401(10) of the Act, 42 U.S.C. § 300f (10), and is therefore a "person" within the meaning of Section 1401(12) of the Act, 42 U.S.C. § 1401(12), and 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the City of Buffalo Water Treatment Plant (the System), located in Buffalo, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water

system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141, also known as the National Primary Drinking Water Regulations (NPDWRs).
5. According to a December 9, 2002 sanitary survey by an agent for EPA, the System is supplied by Clear Creek, a surface water source, and the water is treated by both filtration and disinfection. The System serves approximately 3,900 persons per day through 1,826 service connections.

FINDINGS OF VIOLATION

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1. 40 C.F.R. § 141.132(b)(1)(i) requires public water systems served by a surface water source serving from 500 to 9,999 persons to collect one set of total trihalomethane (TTHM) and haloacetic acids (HAA5) samples per quarter per treatment plant.
2. 40 C.F.R. § 141.64 defines the MCLs for total trihalomethane (TTHM) and haloacetic acids (HAA5) to be 0.080 milligrams per liter (mg/L) and 0.060 mg/L, respectively. MCL compliance for TTHM/HAA5 is determined by the running annual arithmetic average of four consecutive quarterly results as stated in 40 C.F.R. § 141.133 (b)(1)(i).

3. The July 2004-June 2005, October 2004-September 2005, and the January 2005-December 2005 HAA5 values were 0.0645 mg/l; 0.069 mg/l; and 0.079 mg/l respectively, therefore exceeding the MCL in violation of 40 C.F.R. § 141.64.

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS

ORDERED:

1. Within 30 days of the date of this Order, Respondent shall submit to EPA detailed plans for bringing the System into consistent compliance with the HAA5 MCLs as stated in 40 C.F.R. § 141.64. The plans shall include proposed system modifications, estimated costs of modifications, and a construction schedule for the project, including interim measures to bring the System into compliance with the HAA5 MCL before the final project is completed. The proposed schedule shall include specific milestone dates, a final compliance date that shall be no later than 24 months from the effective date of this Order, and shall be submitted to EPA.
2. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.
3. Within 90 days of the date of this Order, Respondent shall submit to EPA quarterly reports on the progress made in completion of the plans submitted in paragraph 1 above. Each report will be due 10 days after the end of the quarter.
4. Within 10 days of completion of all tasks identified in the plans from paragraph 1 above to bring the System into consistent compliance with HAA5 MCLs, Respondent shall notify EPA in writing of the completion.

5. Upon the completion of remedial actions, Respondent shall comply with the HAA5 MCL stated in 40 C.F.R. § 141.64.
6. Reporting requirements specified in this Order shall be provided by certified mail to:


U.S. EPA, Region 8 (8P-W-MS)
999 18th Street, Suite 300
Denver, CO 80202-2466

GENERAL PROVISIONS


1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject Respondent to an administrative civil penalty of up to \$27,500, under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation, assessed by an appropriate U.S. district court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 21st day of February, 2006.



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice